



W.P.(MD)No.445 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.445 of 2023

V.Ganessan

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Collector Office Building,
Madurai-625 020.
- 2.The Additional Commissioner of Labour,
(Appellate Authority under Payment of
Gratuity Act),
Ellis Nagar, Madurai.
- 3.The Controlling Authority,
Under Payment of Gratuity Act,
Bharathi Ula Street,
Near Lotus Tank,
Madurai-625 002.
- 4.M/s.Madura Sugar Mills,
Unit Tamil Nadu Sugar Corporation Ltd.,
Pandiarajapuram-625 209,
Vadipatti Taluk, Madurai District,
Rep by its Chief Executive (in-charge).

... Respondents

Prayer :- Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to recover the amount of Rs.5,10,31,500/- with 10% interest, as mentioned in the certificate in Na.Ka.No.A6/2401/2021, dated 29.06.2022 from the fourth respondent and disburse the same.



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For Petitioner : Mr.T.Ravichandran
For R1 to R3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent to recover the amount of Rs.5,10,31,500/- with 10% interest as mentioned in the certificate in Na.Ka.No.A6/2401/2021, dated 29.06.2022 from the fourth respondent and disburse the same.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he was working as NMR worker in the fourth respondent. Since the fourth respondent has not paid the gratuity contribution, the petitioner has made an application before the third respondent for gratuity. After adjudication, the third respondent has issued a common order dated 27.03.2019, directing the Management to deposit the gratuity amount to the tune of Rs.5,10,31,500/-. Aggrieved by the same, without any deposit, the fourth respondent has filed a writ petition before this Court in W.P.(MD).No.16163 of 2019, seeking for a direction to the second



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respondent to entertain the appeal to be filed against the order of the third respondent. This Court has dismissed the writ petition. Against which, the fourth respondent has filed an appeal before this Court in W.A.(MD).No.965 of 2019 and the same was also dismissed. Thereafter, the fourth respondent has filed individual appeal before the first respondent. The interim petition praying for waiving the pre-deposit was taken up for hearing as P.G.(A).I.A. 67, 69 to 206 of 2019. After hearing both the parties, the first respondent has issued a common order dated 19.01.2021, dismissing the interim petition and thereby refused to entertain the appeal. Thereafter, the Controlling authority issued a certificate dated 29.06.2022, to the first respondent to recover the amount of Rs.5,10,31,500/- from the fourth respondent under Revenue Recovery Act. However, till date the first respondent has not implemented the certificate issued by the Controlling authority. Hence, the present writ petition has been filed with the above said prayer.

4. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the first respondent to implement the certificate issued by the Controlling authority, the third respondent herein dated 29.06.2022, within a reasonable time as fixed by this Court.



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5. Heard Mr.T.Ravichandran, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for respondents 1 to 3. Since no adverse order is going to be passed as against the fourth respondent, notice to the fourth respondent is dispensed with.

6. Considering the limited request made by the learned counsel for the petitioner, this Court directs the first respondent to implement the certificate issued by the third respondent dated 29.06.2022, if there is no legal impediment, within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunity to the fourth respondent.

7. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No

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M.DHANDAPANI, J.

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Order made in
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